UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1993/14
28 July 1993

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-fifth session
Item 6 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Situation in East Timor

Note by the secretariat

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Introduction

1. At its forty-fourth session, the Sub-Commission adopted resolution 1992/20, entitled "Situation in East Timor", in which inter alia, it decided to review the situation in East Timor at its forty-fifth session, and to that end requested the secretariat to transmit to it all available information concerning the human rights situation in the territory.

2. The Sub-Commission has before it a note prepared by the secretariat in compliance with this request containing an update on the good offices activities of the Secretary-General, as well as pertinent information provided by the Indonesian Government and by the Portuguese Government and information received from Amnesty International.

3. The attention of the Sub-Commission is also drawn to the report of the Secretary-General on the situation in East Timor (E/CN.4/1993/49), which was submitted to the Commission on Human Rights at its forty-ninth session, and to the reports of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1993/25), the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1993/46) and the Special Rapporteur on the question of torture (E/CN.4/1993/26 and E/CN.4/1992/17/Add.1), which the Commission on Human Rights had before it at its forty-ninth session, and which refer to the situation in East Timor within the terms of their respective mandates.

4. It may also be recalled that on 11 March 1993 the Commission on Human Rights adopted, by a roll-call vote of 22 to 12, with 15 abstentions, resolution 1993/97, entitled "Situation in East Timor".

I. UPDATE ON THE GOOD OFFICES OF THE SECRETARY-GENERAL CONCERNING THE QUESTION OF EAST TIMOR

5. The Secretary-General continues to make efforts to promote the search for a comprehensive and internationally acceptable solution to the question of East Timor. These efforts have primarily focused on facilitating a dialogue between the Governments of Indonesia and Portugal.

6. On 26 September 1992, at the invitation of the Secretary-General, the Foreign Ministers of the two countries held informal consultations in New York under his auspices. As a result of those consultations, a process of dialogue was initiated. Two rounds of substantive discussions have so far been held between the two Foreign Ministers and the Secretary-General, on 17 December 1992 in New York and 21 April 1993 in Rome. A third round has been scheduled for 17 September 1993 in New York, to be preceded by a series of meetings between the Permanent Representatives of the two Governments in New York, which would lay the groundwork for the 17 September ministerial meeting. The Secretary-General is of the view that, while the positions of the two sides remained wide apart, such a sustained effort could help the parties to make substantive progress on interim steps which could be taken to serve as confidence-building measures and provide a basis for further action in addressing the core issues. At the same time, the Secretary-General is looking into all modalities for consulting various East Timorese of diverse political persuasion in the context of this dialogue.

7. In April 1993, the Secretary-General dispatched his Personal Envoy, Mr. S. Amos Wako of Kenya, to Indonesia and East Timor to follow up on the recommendations arising from his first visit in February 1992 in connection with the tragic incident which took place in Dili on 12 November 1991, and to conduct an assessment of the overall human rights situation in East Timor.

8. Mr. Wako visited the area from 3 to 8 April 1993 and reported to the Secretary-General on his findings in advance of the 21 April talks in Rome between Indonesia and Portugal. While in Dili, the Personal Envoy held meetings with a number of East Timorese in detention, including Jose "Xanana" Gusmao, Antonio Gomes da Costa (Mau Hunu) and those convicted for organizing the November 1991 demonstrations. He also discussed the two aspects of his mandate with the highest officials of the Indonesian Government at the central and local levels. He was received in audience by President Suharto before ending his visit. The conclusions and recommendations of Mr. Wako have been conveyed to the Government of Indonesia, and the Portuguese Government has also been apprised of them.

9. On 20 November 1992, Xanana Gusmao, the leader of the Frente Revolucionario de Timor Leste Independente (FRETILIN) was captured by the Indonesian authorities in Dili. Since his detention, the Secretary-General has closely followed his situation and kept in contact with the Indonesian Government about his conditions and the need for periodic visits by the International Committee of the Red Cross. Since his conviction and sentencing to life imprisonment by an Indonesian court in Dili on 21 May 1993, Mr. Gusmao's case has also been a point of discussion between the Secretary-General and the Foreign Minister of Indonesia, Mr. Ali Alatas. With the agreement of the Government of Indonesia, an observer from the United Nations attended the final stages of the trial of Xanana Gusmao in Dili.

10. The Secretary-General intended to continue his efforts on all these aspects of the situation in East Timor. He hoped that such visits, and contacts which he maintained with the Territory and the Indonesian authorities would lead to a greater accessibility of East Timor to the outside world, help improve conditions there and contribute to the creation of an atmosphere conducive to a discussion of a comprehensive settlement of the question of East Timor.

II. INFORMATION PROVIDED BY THE INDONESIAN GOVERNMENT

11. A statement was made by H.E. Mr. S. Wiryono, head of the Indonesian delegation at the forty-fifth session of the Commission on Human Rights, under item 12 of the agenda. (The contents of the above-mentioned statement are summarized in document E/CN.4/1993/SR.54, dated 11 March 1993, paragraphs 80 to 88, which is available for consultation).

III. INFORMATION PROVIDED BY THE PORTUGUESE GOVERNMENT

12. A note verbale dated 21 May 1993 was received from the Permanent Mission of Portugal to the United Nations addressed to the Secretary-General. (This note is contained in document A/48/175 - S/25819 of the General Assembly and the Security Council, dated 21 May 1993, which is available for consultation).

IV. INFORMATION RECEIVED FROM AMNESTY INTERNATIONAL, A NON-GOVERNMENTAL ORGANIZATION IN CONSULTATIVE STATUS (CATEGORY II)

13. In May 1993 Amnesty International informed the Centre for Human Rights that following the visit to East Timor by the Personal Envoy of the Secretary-General Mr. S. Amos Wako, in April 1993, 7 of the 17 persons whom the Personal Envoy met during his visit, were arrested by Indonesian security forces. They were named as follows: Augusto Pereira, Aliança da C. Araujo, Rufina da Conceiçao Araujo, Jorge Manuel de Araujo Serrano, Ligia de Araujo, Regina da C. Araujo Serrano and Francisco de A Almeida. It was alleged that these persons had in fact been released from detention only shortly prior to the Personal Envoy's arrival in East Timor and were rearrested after his departure. It was further reported that, since early April 1993, at least 10 other people had been arrested for questioning in East Timor and that some remained in custody. Several others were said to have been harassed and at least one had allegedly died in custody following torture.

14. On 5 July 1993 Amnesty International published a report entitled "Indonesia/East Timor: seven East Timorese still in danger" in which serious concern was expressed for the safety of seven young East Timorese who had entered the Embassies of Finland and Sweden in Jakarta on 23 June 1993 to seek political asylum. Four of the seven had left the Finnish Embassy on 24 June after receiving assurances from Indonesian military officials that they would not be arrested and were currently reported to be staying at the home of an Indonesian Government official. The other three had left the Swedish Embassy on 2 July and had taken refuge at the home of the human rights activist, Haji Princen. Notwithstanding the decision of the seven East Timorese to leave the two embassies, Amnesty International believed they remained at risk of serious violations, including torture and imprisonment, if they remained in Indonesia or East Timor. The organization alleged that official assurances of a very similar nature to those given to the seven had been routinely breached in the past, resulting in the imprisonment of at least five people who had sought protection in foreign embassies and the harassment and persecution of several others.